

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PHILLIP J. LYONS,

Plaintiff,

vs.

JAMES G. COX, *et al.*,

Defendants.

Case No. 2:14-cv-00778-APG-CWH

ORDER

This matter is before the Court on Plaintiff's Motion for Issuance of Summons (doc. # 13), filed November 4, 2014.

Plaintiff filed his petition to proceed in this matter in forma pauperis on May 16, 2014. See Doc. #1. On July 1, 2014, the Court entered its screening order holding that the complaint could proceed on most of Plaintiff's claims. See Doc. # 2. A ruling on the petition to proceed in forma pauperis was deferred and the case stayed until after the parties were afforded an opportunity to resolve the matter through informal settlement discussions. Id. The parties were unable to resolve the matter during the period of the stay and, on October 1, 2014, the Court entered an order granting Plaintiff's petition to proceed in forma pauperis. See Doc. # 9. As a result, Plaintiff is entitled to rely on the United States Marshal's office to serve the summons and complaint. Id.; see also Fed. R. Civ. P. 4(c)(3).

In its October 1st order, the Court required: (1) the Nevada Attorney General's Office to inform the Court of the names of the individuals for whom it accepts service, along with the names of the individuals for whom it does not accept service, and to file the last known address for those individuals for whom service cannot be accepted; and (2) Plaintiff to file a motion specifying the full name and address for defendants for whom the Attorney General could not accept service. See Doc. # 9.

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1 In his motion, Plaintiff identifies the full name of two defendants in the complaint for whom the
2 Attorney General could not accept service: Marcy Agnes Boni and Trinity Pharris.¹ Plaintiff also refers
3 to their addresses, which the Attorney General filed under seal. See Doc. # 11. Plaintiff now requests, as
4 instructed, that the Court issue summons to these individuals. The Court has reviewed the record and
5 motion, and finds that Plaintiff's request is appropriate.

6 Accordingly, **IT IS HEREBY ORDERED** that Plaintiff's Motion for Issuance of Summons (doc.
7 # 13) is **granted**.

8 **IT IS FURTHER ORDERED** that the Clerk of Court shall issue Summons to Mary Agnes Boni
9 and Trinity Pharris, and shall deliver the Summons, Sealed Submission of Last Known Addresses (doc.
10 # 11), a copy of the Complaint (doc. # 3), and a copy of this Order to the U.S. Marshal Service.

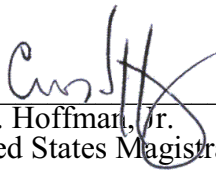
11 **IT IS FURTHER ORDERED** that the Clerk of Court shall deliver two Form USM-285 to
12 Plaintiff. Plaintiff shall have twenty-one days in which to furnish the U.S. Marshal with the required Form
13 USM-285. Within twenty-one days after receiving from the U.S. Marshal a copy of the Form USM-285,
14 showing whether service has been accomplished, Plaintiff must file a notice with the court identifying
15 whether defendants were served. If Plaintiff wishes to have service again attempted on an unserved
16 defendant, a motion must be filed with the court identifying the unserved defendant and specifying a more
17 detailed name and/or address for said defendant, or whether some other manner of service should be
18 attempted. Pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, service must be accomplished
19 within 120 days from the date this order is entered.

20 **IT IS FURTHER ORDERED** that from this point forward, Plaintiff shall serve upon Defendants,
21 or, if appearance has been entered by counsel, upon the attorney(s), a copy of every pleading motion or
22 other document submitted for consideration by the court. Plaintiff shall include with the original papers
23 submitted for filing a certificate stating the date that a true and correct copy of the document was mailed
24 to the defendants or counsel for the Defendants. The Court may disregard any paper received by a District
25 Judge or Magistrate Judge which has not been filed with the Clerk, and any paper received by a District
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28 ¹ Plaintiff acknowledges that he incorrectly sued Trinity Pharris as "Caseworker Ferris." See Doc. # 13.

1 Judge, Magistrate Judge, or the Clerk which fails to include a certificate of service.

2 Dated: November 10, 2014

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5 C.W. Hoffman, Jr.
6 United States Magistrate Judge
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